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T-435 P.004/01R F-303

IN THE DRAWING

Please replace Fig. 1 with substitute Fig. 1.

REMARKS

This application has been carefully reviewed in light of the Office Action dated November 30, 2004. Claims 1-9 and 11 remain pending in this application. Claim 1 is the independent claim. Favorable reconsideration is respectfully requested.

Applicant notes with appreciation the indication that Claims 3-9 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicants respectfully decline from so amending Claims 3-9 at this time because they believe their base claim(s) to be allowable.

In response to the Office Action's objections to Claims 9-11, Applicants respectfully believe the amendments to Claims 9 and 11 and the cancellation of Claim 10 renders the objection moot and request its withdrawal. In response to the objection to Claims 3-9 as misspelling "characterized", Applicants respectfully note that the spelling "characterised" is not a typographical error, but a European spelling which is, in fact, not an error at all. Applicants respectfully request that the objection to Claims 3-9 for having a typographical error be withdrawn.

In response to the Office Action's objection to the Drawings, Applicants respectfully request entry of substitute Fig. 1,

replacing "mixen" with "mixer". Two (2) copies of substitute Fig. 1 are herewith included and contain no new matter.

In response to the Office Action's objection to the specification for failing to provide header sections, Applicants gratefully acknowledge the suggestion, however respectfully decline to add the headings as they are not required in accordance with MPEP §608.01(a).

On the merits, the Office Action rejected Claims 6 and 10 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully believe the amendments to Claim 6 and the cancellation of Claim 10 render the § 112, second paragraph rejection moot and request its withdrawal.

Further on the merits, the Office Action rejected Claims 1-2 and 10-11 under 35 U.S.C. § 102(e) as being anticipated by Vishakhadatta et al. (U.S. Pub. No. 2002/0141511, hereinafter "Vishakhadatta"). Applicants respectfully submit that Vishakhadatta fails to be prior art under 35 U.S.C. § 102. Vishakhadatta was first filed on March 29, 2001. Applicants' invention claims foreign priority to EPO application 012002382, filed January 24, 2001 under 35 U.S.C. § 119, which the Office Action acknowledges. Thus, Vishakhadatta fails to meet the threshold of § 102(e) which calls for a reference being invented

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"before invention by the applicant for the patent". Thus Applicants respectfully request that the § 102(e) rejection of Claims 1-2 and 10-11 be withdrawn.

In view of the foregoing remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached by telephone at the number given below.

Respectfully submitted,

By 
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